

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

A Resolution Declaring an
Emergency Regarding the
Wetmore Ave Stormwater
Bypass Project

_____ Consent
_____ Action
_____ First Reading
_____ Second Reading
_____ Third Reading
_____ Briefing

COUNCIL BILL #
Originating Department
Contact Person
Phone Number
FOR AGENDA OF

_____ Public Works
_____ Jim Miller
_____ August 1, 2018

Initialed by:
Department Head
CAA
Council President

_____ 

<u>Location</u> 3500 Wetmore Ave	<u>Preceding Action</u>	<u>Attachments</u> Emergency Resolution	<u>Department(s) Approval</u> Legal, Admin
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Amount Budgeted		
Expenditure Required		
Budget Remaining		
Additional Required		

DETAILED SUMMARY STATEMENT:

The 3500 block of Wetmore Avenue has been subject of multiple flooding events during recent heavy rain events. Heavy rain events generally occur in May-June and late August-early September. In particular, flooding has occurred at the 3500 block of Wetmore Avenue on August 29, 2013, September 6, 2013, September 2016, and June 10, 2018. This flooding is the result of a mix of factors, including impact of climate change, topography and the size and grade of the pipes and other infrastructure in the vicinity. This flooding has caused significant property damage. A recent study (June 2018) by the University of Washington Climate Impact Group developed modified rainfall data for Everett, showing potential of up to 43% increase in intensity of storms due to Climate Change.

Because of the imminent threat of another rain storm causing more flooding at the 3500 Wetmore block, immediate action is necessary to construct a two block stormwater bypass and drainage improvements along 35th Street from Wetmore Ave to Oakes Ave. This is estimated to cost under \$600,000. The Public Works Department has completed plans and specifications for the project.

The purpose of this resolution is to declare an emergency pursuant to RCW 39.04.280 and Section 9 of the City's Purchasing Guidelines, which will waive normal competitive bidding requirements, so that the work can be completed before the next "rain window" in late August.

RECOMMENDATION: Adopt the Resolution Declaring an Emergency Regarding the Wetmore Avenue Stormwater Bypass Project.



A RESOLUTION DECLARING AN EMERGENCY
REGARDING THE WETMORE AVE STORMWATER BYPASS PROJECT

WHEREAS,

A. The City operates a sewer system to convey, treat, and discharge sanitary sewage and stormwater from properties throughout the City. The City's system includes a combined sewer system in the north end of the City. Events of heavy and intense rain can exceed the capacity of the combined system. Similar to other cities with combined systems, this means that excess water from various sources can make its way onto private property, causing property damage.

B. Heavy rain events generally occur in May-June and late August-early September. The 3500 block of Wetmore Avenue has been subject of multiple flooding events during recent heavy rain events. In particular, flooding has occurred at the 3500 block of Wetmore Avenue on August 29, 2013, September 6, 2013, September 2, 2016, and June 10, 2018. This flooding is the result of a mix of factors, including topography and the size and grade of the pipes and other infrastructure in the vicinity. This flooding has caused significant property damage.

C. Because of the imminent threat of another rain storm causing more flooding at the 3500 Wetmore block, immediate action is necessary to complete the following work: Construct a two block stormwater bypass and drainage improvements along 35th Street from Wetmore Ave to Oakes Ave (the "Wetmore Project"). The Wetmore Project is estimated to cost about \$600,000. The Public Works Department has completed plans and specifications for the project

D. In order to finish work this summer prior to the next "rain window" in late August-early September, construction must begin immediately. However, the public works bid process takes at least four weeks, which would mean construction would not start until late-August 2018 and would not be completed before the rain window opens again at the end of August. (Since the Wetmore Project is estimated to cost about \$600,000, the City cannot use its small works roster or other alternative methods of contracting, which would be the usual ways to more quickly award and execute a project.)

E. It is the professional engineering opinion of the Public Works Department, including its Interim Director and its Engineering Superintendent and Principal Engineer that not completing the Wetmore Project by the end of August 2018 represents an unacceptable risk of flooding and property damage.

F. Because of the imminent threat and the need for immediate action to complete the project by the end of August 2018, an emergency exists. Time is of the essence in proceeding with construction.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERETT THAT:

1. Declaration of Emergency. As indicated above, flooding at the 3500 Wetmore block is likely to occur during the next heavy rain event, which is an unforeseen circumstance beyond the control of the City that is an immediate threat to the proper performance of essential City functions. Because such flooding would likely cause material loss or damage to property, risk to public health and the environment, immediate action is necessary to complete the Wetmore Project. In accordance with RCW 39.04.280 and the City's Purchasing Guidelines, the City Council therefore declares and finds that an emergency exists.

2. Waiver of Competitive Requirements / Authorization to Award.

a. General Waiver and Authorization. In accordance with RCW 39.04.280 and the City's Purchasing Guidelines, the City Council waives competitive requirements for the construction of the Wetmore Project. The Mayor or his designee is authorized to execute and award, on behalf of the City, all contracts and other instruments necessary for the Wetmore Project, including, but not limited to, permit applications, contracts and purchase orders for acquisition of materials, contracts for engineering services, contracts for professional services, and contracts for construction and change orders thereto.

b. Limited Emergency Competitive Process for Award of Construction Contract. The City's Purchasing Guidelines state that during an emergency, the City will still "make efforts to include a level of competition that is practical under the circumstances." Keeping this requirement in mind, but noting the competing factors the imminent threat, the need for immediate action, the size of the project, and the contractor experience necessary to complete the project swiftly, the Public Works Department recommends, and the City Council approves, the following limited emergency competitive process for the award of the construction contract for the project:

(i) The Public Works Department will solicit bids (or quotes) from experienced contractors who have recent track records of success with the City with similar projects. There will be no advertisement or other public posting of a bid package. The Public Works Department anticipates about three participate, but no minimum number is required. The Public Works Department anticipates that contractors will have about a week to respond. This solicitation will include Reece Construction, the City's contractor for the City's Water Main Replacement "S".

(ii) After receiving quotes/bids, the Public Works Department will recommend to the Mayor a contractor for the Wetmore Project that is in the best interest of the City, which includes consideration of price, contractor experience, contractor ability to complete the work quickly, and any other factor that the Interim Public Works Director deems relevant to the emergency situation. The Mayor is authorized to sign a construction contract with a contractor for the Wetmore Project. The Wetmore Project contract may be a change order if the contractor is already under contract with the City for another project.

c. Changed Circumstances. In accordance with the circumstances, the Interim Public Works Director may adjust the limited emergency competitive process as he deems necessary and practical. In addition, the Mayor at any time may immediately authorize the purchase all necessary materials and award construction contract for the Wetmore Project as she determines necessary. The City Council will be kept up-to-date in such a situation.

d. Ratification. In light of the emergency circumstances, the City Council assumes that the Public Works Department, the Purchasing Department, and other City staff have already begun work in preparing plans and specifications for the Wetmore Project and may have already begun to solicit bids/quotes from contractors. So long as such staff actions are consistent with this resolution, those actions prior to the date of this resolution are hereby ratified and approved.

Council Member Introducing Resolution

Council President

Passed and approved this _____ day of _____ 2018.